

MINUTES
FORMAL MEETING OF CITY COUNCIL
Diamondhead, Mississippi
Council Chambers, City Hall
November 1, 2016
6:00 pm CST

DRAFT

I. Call to Order – Mayor Schafer called the meeting to order at 6:00 p.m. CST

1. Invocation – Councilmember Wooldbright
2. Pledge of Allegiance – Councilmember Rech

3. Roll Call –
Present: Mayor Schafer, Councilmembers Depreo, Woolbright, Knobloch, Sislow and Rech.
Absent: None.
4. Confirmation or Adjustment of the Agenda Order – Councilmember Woolbright moved,
seconded by Councilmember Knobloch, to accept and approve the agenda with the following
additions:
 4. h. **2017-030:** Motion to approve to purchase through State Contract for the Public Work
Department 2 John Deere Gators TS in the amount of \$13,470.28 from Deer & Co., 1-
20' Walk Behind Concrete Saw in the amount of \$ \$7,400.00 and 1 Chevy Traverse SUV
in the amount of \$24,025.00 for the Building Department.
 - i. **2017-031:** Motion to approve Budget Amendments 2017-301-1 and 2017-280-4 to
reallocate lease purchase loan proceeds from Public Works to the Building
Department.

Ayes: Depreo, Woolbright, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent:
None.

MOTION CARRIED UNANIMOUS

II. Presentation Agenda

1. Council Comments
 - a. The next regularly scheduled Council Meeting will be held at 6:00 p.m. CST on
November 15, 2016 in Council Chambers located at 5000 Diamondhead Circle.
 - b. Mayor Schafer and Councilmember Proclaimed November 16, 2016 Arbor Day
in the City of Diamondhead and presented the Proclamation to Karen Rice of
Keep Diamondhead Beautiful
 - c. Paul Montjoy, Chairman of Keep Diamondhead Beautiful, provided a
presentation outlining past and future projects. He explained the Committee
had received a grant for \$10,000 that is being used to complete the oak tree
planting in median referring to the project as "Avenue of Oaks" that which

started with City provided funds for Airport Drive and will continue all around Diamondhead Drive with the grant received. Montjoy explained plans to include eliminate some of the more labor intensive beds at the Community Garden and using the edging stones from that project to create a garden at the back entrance on Kapalama.

2. City Manager's Report

Halloween:

We had scores of ghosts and goblins roaming the streets of Diamondhead last evening and we are happy to report they all made their way back safely to their homes. I want to commend the Public Works Department for the installation of the improved reflective traffic signs and especially want to thank the Diamondhead Division of the Hancock County Sheriff's Office for helping to keep the streets safe and allowing families to enjoy Halloween.

Administration:

Claims Docket – I have met with staff and considered the request to create a second claims docket for items that appear on the agenda and on the claims docket too. We place items to pay for through grant programs on the agenda. We do that to demonstrate a specific Council vote to create supporting documentation for reimbursement purposes. The same item is on the docket and is not paid twice. We cannot create two "live" claims dockets. To force the system to create what appears to be a second claims docket is actually an open accounts payable packet. For your protection, nothing can be added to a docket once you vote on it, a claim can be deleted if not approved but not added. That is not the case in the accounts payable packet, it is open and it is possible for an unapproved claim to be added after the meeting. From an internal control standpoint I would not recommend trying to force a second claims docket.

Agenda items - We have tried to accommodate everyone on developing the agenda for Council meetings and are finding that we need to establish a reasonable deadline for adding items to allow staff enough time to prepare the agenda, copy back up materials and make it available timely for the public and you to review. We are asking that all agenda items be provided to the City Clerk no later than noon on the Thursday before a Tuesday Council meeting. We understand there may be extenuating circumstances on occasion but that shouldn't become the norm. I thank you in advance for your cooperation and understanding.

Veterans' Day Parade:

VFW Post 2880 proudly announces that Veterans' will be honored with a parade this Saturday at 1:00 beginning at the Country Club on Golf Club Dr. and ending at City Hall approximately one hour later. The public is invited to attend and celebrate Veterans' Day and the freedom and liberty that they have fought to preserve for us. City Hall will be closed in observance of Veteran's Day on Friday, November 11th by executive order of Governor Bryant.

3. Public Comments on Agenda Items –

Robert Harko addressed the Council with regard to Agenda Item 2017-027. He requested the Council not support the Diamondhead Property Owners Association's attempt to petition for declaratory judgement to renew its covenants in perpetuity. He suggests the POA should hold an election with regard to the proposed continuation of the covenants and not rely on a 7 or 8 year old survey conducted prior to the incorporation of the City.

Penny Crawford addressed the Council with proposed Resolution 2017-029 rescinding Resolution 2013-040 and its amendments Resolution 2013-045 and 2013-076 whereby the Keep Diamondhead Beautiful Committee was established by the City. Crawford explained the beautification efforts of the Committee and its desire to continue to work with the City. She asked the Council to consider postponing the proposed action and to wait until such time as the Oak Tree Project and the final grant report was complete in December. She expressed dissatisfaction with auditor's opinion in which it was recommended the Keep Diamondhead Beautiful no longer be affiliated with the City. She expressed hope that as an independent committee and the City could still find away to assist with the beautification efforts in the future.

III. Policy Agenda.

1. Approval of Minutes:
 - a. October 18, 2016 Formal Meeting

Councilmember Sislow moved, seconded by Councilmember Rech, to approve the Minutes of the October 18, 2016 Formal Meeting.

Ayes: Depreo, Woolbright, Knobloch, Rech, Sislow and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED

UNANIMOUSLY

b. October 25, 2016 Recess Meeting

Councilmember Sislow moved, seconded by Councilmember Woolbright, to approve the Minutes of the October 25, 2016 Recess Meeting.

Councilmember Depreo requested the minutes reflect that during the report provided by Sam Atkinson of the State Auditor's Office at the October 25, 2016 meeting, Atkinson stated that all councilmembers were contacted and spoken to. Councilmember Depreo further stated for the record that she has never been contacted by Ms. Atkinson or had any form of communication with her.

Councilmember Knobloch for the record stated that Councilmember Depreo was sworn into office on October 4, 2016 and that Atkinson was conducting interviews prior to that time. Depreo stated that Atkinson was also in the City after her swearing in.

Ayes: Depreo, Woolbright, Knobloch, Rech, Sislow and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

2. Consent Agenda:

Councilmember Knobloch moved, seconded by Councilmember Rech, to approve Consent Agenda Items a and b by consent:

- a. **2017-018**: Motion to accept and award the low bid received from CLM Equipment in the amount of \$154,677.00 for the purchase of trackhoe to be secured with lease purchase note proceeds. Bids were received as follows:

CLM Equipment	\$154,677.00	Lyle Machinery	\$179,900.00
JWH Equipment	\$169,470.00	Lee Tractor	\$163,482.00

- b. **2017-019**: Motion to accept and award the low bid received from Technology International in the amount of \$19,875.00 for the purchase of a triple-axle equipment trailer to be secured with lease purchase note proceeds. Bids were received as follows:

Stephen Green Trailer	\$23,500.00	Affordable Trailer Sales	\$26,950.00/\$27,691.00
Globe Trailer Manufacturing	\$22,131.77	Verde Inc.	\$23,995.00
Argo Fab	\$29,380.00	Holden Industries	\$27,091.00
Lyle Machinery	\$27,636.00	JWH Equipment	\$29,212.00
Technology International	\$19,875.00		

Ayes: Depreo, Woolbright, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

3. Resolutions:

- a. **2017-026**: Resolution 2016-045 abandoning 5' drainage and utility easements and each side of lots 94 and 95 at 94164 Bayou Drive. (Pucheu)

Councilmember Depreo moved, seconded by Councilmember Knobloch, to adopt Resolution 2016-045 thereby abandoning a 5' drainage and utility easements on each side of lots 94 and 95 at 94164 Bayou Drive. (Pucheu)

A roll call vote was taken as follows:

Ayes: Depreo, Woolbright, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED

- b. **2017-029**: Resolution 2016-046 rescinding Resolutions 2013-040, 2013-045 and 2013-076 whereby the Keep Diamondhead Beautiful Committee was established as committee of the City.

Councilmember Knobloch moved, seconded by Councilmember Sislow, to adopt Resolution 20156-046 thereby rescinding Resolutions 2013-040, 2013-045 and 2013-076 whereby the Keep Diamondhead Beautiful Committee was established as committee of the City.

Mayor Schafer noted for the record Attorney Tindell had completed the research on this particular matter but due another commitment was unable attend meeting. Attorney Cusick explained as found through talking with similar organizations set up in other cities they are all non-profit 503c organizations with ties to the City. He also noted in talking to the Attorney General's Office there is no authority for the City to establish such a committee. Cusick explained that a contractual tie to the City would allow for the entity to continue to work with City.

A roll call vote was taken as follows:

Ayes: Woolbright, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Abstain: Depreo.

MOTION CARRIED

4. Action Agenda:

- a. **2017-020**: Motion for discussion/possible action regarding appointment(s) to committee to study school district consolidation.

Councilmember Sislow moved for discussion, seconded by Councilmember Rech. Councilmembers discussed the matter and concluded that if someone were to serve on the committee it should be someone from the community with children in the school system. No action was taken on the matter.

- b. **2017-021**: Motion for discussion/possible action with regards to implementation of Yard of Month for Wards 1, 2, 3, 4 and commercial area.

Councilmember Depreo moved, seconded by Councilmember Woolbright, to implement Yard of Month for Wards 1, 2, 3, 4 and commercial area, allowing for Keep Diamondhead Beautiful Committee to perform the monthly selections and present signage at the first monthly council meeting.

Ayes: Depreo, Woolbright, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None.
Absent: None.

MOTION CARRIED UNANIMOUSLY

- c. **2017-022**: Motion for discussion/possible action to request a variance from the Diamondhead Property Owner's Association for the placement of Yard of the Month signage.

Councilmember Depreo moved, seconded by Councilmember Knobloch, to request a variance from the Diamondhead Property Owner's Association for the placement of Yard of the Month Signage.

Ayes: Depreo, Woolbright, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None.
Absent: None.

MOTION CARRIED UNANIMOUSLY

- d. **2017-023**: Motion for discussion/possible action to discuss setting a public meeting for the proposed roundabout and Exercise Fitness Trail at City Hall.

Councilmember Depreo moved, seconded by Councilmember Sislow, to enter discussion for setting a public meeting for the proposed roundabout and Exercise Fitness Trail at City Hall.

Councilmember Depreo moved, seconded by Mayor Schafer, to hold a public meeting for the proposed roundabout and the Exercise Fitness Trail at City Hall.

Ayes: Depreo, Sislow and Mayor Schafer. Nays: Woolbright, Knobloch and Rech.
Absent: None.

MOTION FAILED

- e. **2017-025:** Case File 2016-00261 variance from the Zoning Ordinance (Article 4.10.5 F. iii) to allow construction of a second story addition on a commercial building within 4'2" of the property line at address 4403 West Aloha Drive. (Casano)

Councilmember Woolbright moved, seconded by Councilmember Depreo, to approve a variance from the Zoning Ordinance (Article 4.10.5 F. iii) in the matter of Case File 2016-00261 to allow construction of a second story addition on a commercial building within 4'2" of the property line at address 4403 West Aloha Drive. (Casano)

Ayes: Depreo, Woolbright, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

- f. **2017-027:** Motion for discussion/possible action regarding the Diamondhead Property Owners Association's petition for declaratory judgement to renew its covenants in perpetuity.

Councilmember Depreo moved, seconded by Councilmember Knobloch, to discuss the Diamondhead Property Owners Association's petition for declaratory judgement to renew the covenants in perpetuity.

Legal Counsel reminded the council that any position of the Council would be done so a governing body and not individually. He so advised the Council that it would be too early in the process in his opinion to form a position at this time. Legal Counsel recommended monitoring law suit.

NO ACTION WAS TAKEN.

AT THIS TIME, COUNCILMEMBER DEPREO RECUSED HERSELF FROM THE MEETING PROCEEDINGS AND EXITED COUNCIL CHAMBERS.

- g. **2017-028:** Approve payments to Seymour Engineering professional services in the amount of \$2,100 relating to the Kayak Hiking Trail and \$4,000 for the East Aloha Access Road.

Councilmember Rech moved, seconded by Councilmember Knobloch, to approve payments to Seymour Engineering for professional services in the amount of \$2,100 relating to the Kayak Hiking Trail and in the amount of \$4,000 for the East Aloha Access Road.

Ayes: Woolbright, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Recused: Depreo.

MOTION CARRIED

COUNCILMEMBER DEPREO RENTERED COUNCIL CHAMBERS AND THE MEETING RESUMED.

FOR THE RECORD CITY MANAGER REED INFORMED THAT COUNCIL THAT AFTER HAVING CONSULTED WITH LEGAL COUNSEL REGARDING THE NEED FOR CONSTRUCTION ADMINISTRATION ON THE EAST ALOHA ACCESS ROAD CONSTRUCTION SITE, HE ISSUED A WORK ASSIGNMENT TO MS ENGINEERING AND DEVELOPMENT (KAREN SITES). FURTHER REED STATED HE HAS CONTEMPLATED ISSUING A SECOND WORK ASSIGNMENT TO JASON CHINICHE FOR THE FIRST TIDELANDS PROJECT SINCE DMR PERMITTING IS IN PROGRESS, CHINICHE IS CURRENTLY WORKING ON THE SECOND TIDELANDS APPLICATION. REED EXPLAINED THAT HE WAS NOT TRYING TO OVERSTEP HIS BOUNDARY ON ENGINEERING WORK ASSIGNMENTS AND DOES WANT TO KEEP THE COUNCIL INFORMED.

- h. **2017-030**: Motion to approve to purchase through State Contract for the Public Work Department 2 John Deere Gators TS in the amount of \$13,470.28 from Deer & Co., 1- 20" Walk Behind Concrete Saw in the amount of \$7,400.00 and 1 Chevy Traverse SUV in the amount of \$24,025.00 for the Building Department.

Councilmember Rech moved, seconded by Councilmember Sislow to approve to purchase for the Public Work Department 2 John Deere Gators TS (State Contract #8200022898) in the amount of \$6,735.14 ea or \$13,470.28 from Deer & Co., 1- 20" Walk Behind Concrete Saw (State Contract #820027294 in the amount of \$7,400.00 from Grainger and 1 Chevy Traverse SUV (State Contract #8200028594) in the amount of \$24,025.00 from Rogers-Dabbs Chevrolet for the Building Department to be funded with lease purchase loan proceeds.

Ayes: Depreo, Woolbright, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None.
Absent: None.

MOTION CARRIED UNANIMOUSLY

- i. **2017-031**: Motion to approve Budget Amendments 2017-301-1 and 2017-280-4 to reallocate lease purchase loan proceeds from Public Works to the Building Department.

Councilmember Sislow moved, seconded by Councilmember Woolbright, to approve Budget Amendments 2017-301-1 and 2017-280-4 to reallocate lease purchase loan proceeds from Public Works to the Building Department.

MOTION CARRIED UNANIMOUSLY

IV. Routine Agenda.

1. Motion to approve the Docket of Claims (Claims DKT152965 – DKT153001).

Councilmember Rech moved, seconded by Councilmember Sislow, to approve Docket of Claims (Claims DKT152965– DKT153001).

COUNCILMEMBER DEPREO NOTED FOR THE RECORD THAT SHE WOULD LIKE TO SEE ALL FUTURE CONTRACTOR PAYMENTS LISTED AS AN AGENDA LINE ITEM.

Ayes: Depreo, Woolbright, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

AT THIS TIME, COUNCILMEMBER DEPREO RECUSED HERSELF FROM THE MEETING PROCEEDINGS AND EXITED COUNCIL CHAMBERS.

2. Motion to approve APPKT00544.

Councilmember Knobloch moved, seconded by Councilmember Rech, to approve APPKT0054 (Claim 153002).

Ayes: Woolbright, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Abstain: Depreo.

MOTION CARRIED

COUNCILMEMBER DEPREO RENTERED COUNCIL CHAMBERS AND THE MEETING RESUMED.

3. Motion to approve Payroll Payables, including benefits and taxes, October 26, 2016 in the amount of \$51,554.40.

Councilmember Rech moved, seconded by Councilmember Sislow, to approve Payroll Payables, including benefits and taxes for October 25, 2016, in the amount of \$51,554.40.

Ayes: Depreo, Woolbright, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUS

V. Public Comments on Non-Agenda Items -

Anita Sanderford a resident of Noma Drive expressed her concern with traffic speeding, littering and pot holes on Noma Drive. She asked if anything could be done to address the issues. She made it clear that repaving would not be wise given the sewerage plant currently under construction; but would like some patch work completed.

Councilmember Sislow acknowledged a group of individuals in attendance. When asked a spokesperson explained they were students at Mississippi Gulf Coast Community College and at the meeting to observe as Public Speaking Class assignment.

VI. Adjourn/Recess

At 7:30 p.m. CST and with no further business to come before the Council, Councilmember Woolbright moved, seconded by Councilmember Depreo, to adjourn.

Ayes: Depreo, Woolbright, Knobloch, Sislow, Rech and Mayor Schafer. Nays: None. Absent: None.

MOTION CARRIED UNANIMOUSLY

Thomas E. Schafer, IV
Mayor

Jeannie Klein
City Clerk